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### 1.1 Member Appointments

The Department of Elections consists of three members who serve for concurrent four-year terms that begin on February 1 of the odd numbered year in which an election for Governor is not regularly scheduled. In other words, the new Board takes office roughly 13 months after a new Governor is sworn in. The Governor appoints all three members, subject to confirmation by the General Assembly. Under 2013 law change effective July 1, 2014, the Governor no longer designates one Board member as administrative agency head.<sup>1</sup> Rather, the Governor appoints a separate Commissioner of Elections who is not a member of the Board as the administrative head of the Department of Elections with authority to employ staff. The Board in its supervisory role as a policy making body meets and elects its officers, a Chairperson, Vice-Chairperson and Secretary. No member of the Board can be appointed to more than two consecutive terms. The Governor, subject to confirmation by the General Assembly at its next regular session, fills vacancies for the remainder of any unexpired terms. Two members are appointed to

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<sup>1</sup> Legislation enacted in 2013, SB1229, changes the name of the agency that administers election law to the Department of Elections. The three-member board appointed by the Governor continues as the State Board of Elections.

represent the political party of the Governor, and one to represent the political party whose candidate received the next highest number of votes in the most recent gubernatorial election. The party entitled to the appointment, may make recommendations to the Governor. There is no requirement, however, that the Governor solicit recommendations, or follow them. If the Governor was not elected as the candidate of a party, representation is given to the parties having the highest and next highest number of members in the General Assembly. [§ 24.2-102](#).

During their tenure on the Department of Elections, members are specifically prohibited from running for or holding elective office in the Commonwealth, serving as chair of a political party committee, or serving as a paid worker in the campaign of a candidate for nomination or election to an office filled by election in whole or in part by qualified voters in the Commonwealth. [§ 24.2-102](#).

No member of the Department of Elections staff shall serve as the chairman of a political party or other officer of a state, local, or district-level political party committee or as a paid or volunteer worker in the campaign of a candidate for nomination or election to an office filled by election in whole or in part by the qualified voters of the Commonwealth. [§ 24.2-103](#).

Organizationally, the Department of Elections is an [executive branch entity](#) that reports to the Governor through the Secretary of Administration. The Board and its staff must perform their duties impartially and fairly.

## **1.2 Purpose and Duties**

The Department of Elections is charged with supervising and coordinating the work of county and city electoral boards and registrars, so as to obtain uniformity in their practices and proceedings and legality and purity in all elections. It shall make rules and regulations, issue instructions, and provide information consistent with the election laws to the electoral boards and registrars to promote the proper administration of election laws. It may adopt and issue policies, standards, procedures, and instructions in accordance with the law and with directives from the General Assembly. [§ 24.2-103](#). The Board may propose regulations using the agency website or the Virginia Regulatory Town Hall website. <http://www.townhall.virginia.gov/um/toc.cfm>. Once final, regulations are published in the Virginia Administrative Code (available online directly below the Virginia Code). Throughout Title 24.2, the Board is given the responsibility to provide numerous forms, rules, and regulations for use in the registration and election process. [§ 2.2-4002](#). General registrars and electoral boards are required to comply with all Department of Elections rules and regulations not inconsistent with Virginia or federal law. [§ 24.2-103\(A\)](#).

The Department of Elections is also responsible for the following:

- Providing training to registrars and electoral board members annually or more often, as it deems appropriate ([§ 24.2-103](#))
- Setting the training standards for officers of election
- Providing for the continuous operation and maintenance of the Virginia Election and Registration Information System or VERIS ([§ 24.2-404](#))
- Overseeing the administration of the Campaign Finance Disclosure Act ([§ 24.2-946](#))
- Meeting to ascertain the results and “make statements of the votes” (certify the results)
  - On the fourth Monday in November after any election for General Assembly or Congressional office, statewide offices, President and Vice-President, and any office shared by more than one locality ([§ 24.2-679](#))
  - Not later than 14 days after any primary for these offices ([§ 24.2-534](#))
  - As soon as possible after any special election for any of the offices listed above in order to ascertain the results ([§ 24.2-679](#))

In addition to these required meetings, the Department of Elections meets periodically throughout the year to consider regulations, policies or procedures and to address issues involving regulation of elections. Notice of Department of Elections meetings is posted in accordance with the Virginia Freedom of Information Act (VFOIA). [§ 2.2-3700 et seq.](#) Meetings of the Department of Elections are open to the public unless specifically exempt or closed in compliance with VFOIA. See Chapter 26. Dates, times and agendas for Board meetings are posted on the Virginia Regulatory Town Hall website, <http://www.townhall.virginia.gov/um/toc.cfm>, and the [Commonwealth Calendar](#). To request the opportunity to speak before the Board or to request an item be considered for the agenda, please contact Rose Mansfield at [Rose.mansfield@elections.virginia.gov](mailto:Rose.mansfield@elections.virginia.gov) or call 1-800-552-9745. Materials for Department of Elections Board meetings may also be posted to the agency website Media page.

The Department of Elections has authority to institute proceedings for the removal of any electoral board member who fails to discharge his duties in accordance with law by petitioning the circuit court of the electoral board’s locality. It may petition a local electoral board for the removal of a general registrar who fails to discharge his duties in accordance with law. If the local electoral board refuses to remove a general registrar, the Department of Elections may institute proceedings for the registrar’s removal by petitioning the circuit court of the general registrar’s locality. [§§ 24.2-103, 24.2-234.](#)

The Department of Elections is also charged with reporting state statistics relating to the National Voter Registration Act (NVRA) and the Help America Vote Act (HAVA) to the U.S. Election Assistance Commission (EAC). The Commissioner serves as the state coordinator for implementation of these Acts. VERIS gathers many of the necessary statistics as transactions are processed (i.e., for every registration application and change in a voter’s registration). This means that all new voters, denials, cancellations, and changes of status concerning active and inactive voters must be processed through VERIS. [§ 24.2-404.1.](#)

In addition, under the Voting Accessibility for the Elderly and Handicapped Act ([42 USC 1973ee](#)); the Commissioner must enforce federal requirements for accessible polling places.

## **1.3 Staff to the Commissioner of Elections**

The Department of Elections staff includes two positions appointed by the Governor to serve at his pleasure. These are (1) a Deputy Commissioner of Elections, and (2) a confidential policy advisor. All other staff members are hired by the Commissioner of Elections under Virginia's personnel system without regard to political affiliation. The Commissioner is responsible under the Code of Virginia and Regulations<sup>2</sup> for carrying out the administrative duties imposed upon the Board by federal and state election laws. The staff assists the Commissioner in carrying out these administrative duties.

The Department of Elections is organized according to functional service areas as defined in the state budget and is subject to reorganization by the Commissioner.

The Strategic Plan of the Department of Elections details the Department of Elections' mission, vision, values, goals and performance. *See*, [Virginia Performs](#).

The budget of the Department of Elections' is set by the [Appropriations Act](#). The Appropriations Act also sets forth the state-funded portion of salaries for electoral board members and general registrars and the number of days per week the registrar's offices is to be open. The budget is adopted on a biennial basis, in even-numbered years, and amended in the odd-numbered years.

## **1.4 Communications**

### **1.4.1 Department of Elections Internet Website—Public Information Central**

The Department of Elections primary means of communication is the main web site operated by the agency. *See* <http://www.elections.virginia.gov>. The site provides forms and information to the public, candidates and election administrators. The Virginia Code requires certain information to be provided on the web site:

- Department of Elections regulations (posted within 3 days after becoming effective) ([§ 24.2-103](#))
- Internet accessible absentee applications ([§ 24.2-701\(A\)](#))
- Changes to certified election results ([§ 24.2-802\(D\)](#))
- Campaign finance violations ([§§ 24.2-946.1\(D\)](#), [24.2-946.3\(H\)](#), [24.2-953.3\(G\)](#), [24.2-953.4\(C\)](#))

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<sup>2</sup> Available at 1 [VAC20-20-30](#).

- A link to the Federal Election Commission's federal political action committee reports ([§ 24.2-949.2\(C\)](#))

The Code also sets requirements to provide information to electoral boards, though it generally does not prescribe any particular form or method of communication.<sup>3</sup>

The Code does state, in part, what the Department of Elections shall provide to both local electoral boards and registrars. *See* [§§ 24.2-103](#), [24.2-105](#), [24.2-105.1](#), [24.2-404](#). Specifically, [§ 24.2-103](#) states, “[Department of Elections] shall make rules and regulations and issue instructions and provide information to the electoral boards and registrars to promote the proper administration of election laws. Electoral boards and registrars shall provide information requested by the Board.”

When the Code does *not* specify a format for providing information, the Department of Elections may choose to provide information electronically via e-mails and/or electronic files. It is important that the Department of Elections staff have current and accurate e-mail addresses for both registrars and electoral board members. The e-mail addresses should be properly maintained in the VERIS directory. E-mail lists are updated periodically from the directory. Failure to update your office information in VERIS could result in your office missing important messages.

#### **1.4.2 Department of Elections SharePoint —Resources for Election Administrators**

In 2009, Department of Elections launched an advanced Internet-based communication system, SharePoint, to facilitate access to forms and guidance documents such as the General Registrars and Electoral Board Members' Handbook. SharePoint enables Department of Election's staff to effectively organize and maintain a large quantity of information, including forms, guidance documents and training materials. To create user profiles in SharePoint, electoral board members and general registrars should contact the Department of Elections Information Center. *Contact* [VERIShelp@elections.virginia.gov](mailto:VERIShelp@elections.virginia.gov). In addition, Department of Elections uses a commercial Internet-based program to survey registrars and electoral boards. *See* [surveymonkey.com](http://surveymonkey.com).

#### **1.4.3 E-mail Lists**

Department of Elections provides two e-mail list serves to the election community. There is one for electoral board members and one for general registrars. The e-mail lists are useful for communicating mass messages to the electoral community and for

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<sup>3</sup> [Section 24.2-404\(B\)](#) specifically authorizes the Department of Elections to determine the medium of information described in that section relating to VERIS.

soliciting assistance from fellow Virginia election administrators. For example, a general registrar can send an e-mail to the general registrar list e-mail address and that e-mail will be sent on his/her behalf to all of the other general registrars in the Commonwealth. The Department of Elections frequently uses the e-mail lists to communicate important information to the election community.

Care should be taken by list members to ensure that communications sent using the list are professional and relevant to the election community. The e-mails sent to the list are covered by FOIA. *See* GREB 6.

To join either list or to update your list membership status, contact the Department of Elections Information Center: [VERIShelp@elections.virginia.gov](mailto:VERIShelp@elections.virginia.gov).